

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**April 14, 2005**

**I. CALL TO ORDER**

Chair Judy Tessandore convened the meeting at 7:00 p.m.

**II. ROLL CALL**

Evangeline Anderson	Charles Booth
Angela Brooks	Robert Cook
A. J. Culver	Jim Denton
Lynn Guttman	Claudia Hirschey
Roger Loschen	

**III MINUTES**

Regular Meeting: Chair Tessandore presented the minutes of the Regular Meeting of March 10, 2005 for review and action by the Board members.

*Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes of the Regular Meeting of March 10, 2005. The Board voted (9 in favor) to approve this record. Angela Brooks abstained as she did not attend the meeting.*

**IV INTRODUCTION OF NEW MEMBERS**

Charles Booth and Lenora Blauman reported that, on March 9, 2005, the Office of the King County Executive appointed two new members to the Board – Lynn Guttman and Angela Brooks. Ms. Guttman is a management consultant. She is a civil engineer with extensive professional experience in public works and planning. Ms. Brooks is an urban planner with a special interest in the fields of land use, housing, and geography.

These appointments must be confirmed by the King County Council. Under King County Code, appointees become full voting member 30 days from the date that the Council Clerk receives notification of the appointments. The County Council is slated to confirm these appointments in May 2005.

**V. CURRENT BUSINESS**

**A. King County Office of the Executive**

Fairwood Incorporation Proposal: Michael Thomas, Senior Policy Analyst, provided a presentation to the Boundary Review Board on the proposed Fairwood Incorporation.

Mr. Thomas reported that, under state law and local regulations, King County has only ministerial authority with respect to the incorporation of a new city. Consistent with that statutory mandate, the County will be confined to coordination of logistical matters and the provision of funding to facilitate study (e.g., telephone survey, governance report) of options for the future administration of the Fairwood community and – to the extent that it is relevant – the future of the remaining Renton Fairwood Potential Annexation Area.

To illustrate, Mr. Thomas reported the results of a telephone survey of the community that was conducted by Evans/McDonough Company under the aegis of King County. Evans/McDonough surveyed 600 citizens of the greater Fairwood Area. Approximately 50% of the respondents are residents of the proposed Fairwood Incorporation Area; the remaining 50% of the respondents are residents of the Cascade Area.

The Survey Report indicates that:

- A substantial majority (68%) of the voters are aware of a proposed incorporation
- In the entire Fairwood Area, there is a slight preference for annexation (44%) over incorporation (39%). However, 17% of the voters are undecided at present.
- With the proposed Fairwood Incorporation boundaries, 56% of voters favor incorporation and 35% favor annexation.
- In the area outside of the proposed incorporation boundaries (but within the greater Fairwood Area), a substantial majority of persons (57%) favor annexation over incorporation (34%).

Mr. Thomas stated that the County Office of the Executive is funding the preparation of a basic, comprehensive Incorporation Study for the proposed Fairwood Incorporation.

The County has selected an independent consultant (Berk and Associates – Brett Shockey) to prepare the Study. Further, a Community Team has been assembled – including representatives from the Fairwood Task Force and from the community at large – to develop the scope and format of the Study.

Mr. Thomas and Mr. Shockey provided the Board with general information concerning the content and the timeline for the planned Study. More specifically:

- For the purpose of this study, the Fairwood area will be segregated into three (3) sub-areas as follows: Area A – that area from the urban/rural line to 140<sup>th</sup> Ave SE; Area B – that area between 140<sup>th</sup> Ave SE and 128<sup>th</sup> Ave SE; and Area C – that area between 128<sup>th</sup> Ave SE and SR 169, Maple Valley Highway. The analysis described in sections 3, 4 and 6 must be completed in a manner that allows for data and information to be identified and manipulated by sub-area.
- The Study will include a Market Feasibility Analysis to assess current and long-term economic supply and demand/market conditions
- The Study will include a Fiscal Feasibility Analysis to assess conditions for short-term and longer-term period addressing three alternatives for incorporation/annexation. This analysis will collect data (e.g., population, land value, residential and commercial activity, infrastructure and facilities, fiscal assets.) The analysis will also forecast base conditions for future designated years.
- The Study will also forecast/assess revenues and service costs (e.g., tax bases/tax alternatives; models and alternatives for levels of service.) Berk & Associates will work with community task force to identify capital needs, funding sources, and revenue structure alternatives that work with overall incorporation scenarios.
- Assessment of Annexation: Incorporation of less than the entirety of the Fairwood area may likely have an impact on the city of Renton as it would be left with a PAA much reduced in size. Alternatively, Renton may elect to annex the entirety of its PAA at one time or over several years. To assess the impact of any of these scenarios, an assessment will be necessary of the cost to city to serve each of the sub-areas (based on the city's current tax structure and levels of service.)
- Berk & Associates will coordinate and present research and analysis results on relevant topics to the Community Task Force and to the greater community. For example, the Governance Report will be employed to work with the community task force and the public to construct a set of alternative futures that reflect the range of community desires, market constraints, and fiscal realities facilitate the making of decisions concerning the form and function of future governance.

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Berk & Associates – as well as King County officials and the Fairwood Task Force -- do recognize that the Board will require comprehensive, detailed data to undertake a review of the proposed Fairwood Incorporation. Berk & Associates is endeavoring to ensure that the Governance Study and Governance Report will also provide all of the information that the Boundary Review Board will require for the proposed Fairwood Incorporation.

To that end, Berk & Associates invited the Board to identify questions and concerns to be addressed in the Governance Study so that these matters could be addressed in the basic Governance Study and Report.

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Chair Tessandore invited Board members to comment upon the proposed Governance Study. Board members offered the following comments with respect to the planning and execution of the Governance Study:

- A Governance Report is required to be based upon an independent collection and analysis of the data essential to determine the viability of a proposed new city.

There was an expression of concern about the role of King County in the administration (e.g., planning and execution) of the proposed Governance Study.

More particularly, there was comment that King County officials – by taking an active role in design of the Governance Study – may jeopardize responsibility for performing an independent review of the Governance Report and for providing recommendations with respect to incorporation of a new City of Fairwood.

For example, question was raised with respect to the Berk & Associates contract to study both: (1) the benefits/costs of incorporation of a specifically defined City of Fairwood (which was proposed by a duly constructed citizens group in accord with RCW 35.02 and RCW 36.93); and (2) the benefits/costs of annexation of the entire Fairwood/Cascade Area (which is within the City of Renton Potential Annexation Area.) There is concern that King County, by providing for studies of various permutations of incorporation and annexation for this greater area, has a particular agenda for a future plan for governance of the area which may not permit the incorporation of the proposed City of Fairwood.

- RCW 36.93 establishes the purpose of the Board as “providing a method of guiding and controlling the creation and growth of municipalities in metropolitan areas so that ...residents and businesses ...may rely on the logical growth of local government.”

To that end, RCW 36.93 requires the Board to conduct an independent review of the proposed incorporation. The Board is also responsible for providing other government agencies and community members with opportunities to review and comment upon a proposed action.

The Boundary Review Board must also conduct public hearing(s) in order to provide a forum for independent, quasi-judicial review of the proposed incorporation as prescribed by state law (RW 35.02, RCW 36.93, *et seq.*).

- The Board's hearing and decision-making processes must address and be consistent with criteria established in state law, regional standards, and local regulatory authorities (e.g., RCW 35.02, RCW 36.93, RCW 36.70A., RCW 42.36, *et seq.*, King County Comprehensive Plan.)

More particularly, the State Growth Management Act and the Boundary Review Board Enabling Act - RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives) provide specific criteria against which the Board must evaluate the application for incorporation.

- All documents (including the basic Governance Study) must be provided to the official record and/or at a public meeting/public hearing.
- The Board members' review of the official file (e.g., Notice of Intention, Governance Report, correspondence from other government agencies, citizen comment) and the public hearing process will enable the Board to make a determination as to:
  - Whether documentation (including, but not limited to, the basic Governance Report) is sufficient to complete a comprehensive review and decision-making process for the proposed Fairwood Incorporation; or
  - Whether additional documentation (e.g., studies to supplement the basic Governance Report) is required to enable the Board to complete the necessary comprehensive review and decision-making process for the proposed Fairwood Incorporation.
- There was an expression of concern that the Board, by review of preliminary Governance Study materials outside of the formal review process established by law, could risk non-compliance (or the appearance of non-compliance) with the provisions of RCW 35.02, RCW 36.93, RCW 42.36, *et seq.*

Based upon that concern, the Board declined, for the present, to participate in setting specific direction for the Governance Study for the proposed Fairwood Incorporation.

However, the Board members did call for Berk and Associates to ensure that the Governance Report will provide comprehensive data; independent analysis; and conclusions based upon that neutral data/analysis.

Upon receiving the Governance Report – now estimated to be completed in July 2005 – the Board may begin the process of review of the proposed incorporation of a new City of Fairwood. The Board may also consider, as appropriate under the law, other options for local jurisdiction – including changes to the proposed incorporation boundaries; annexation; and/or retention of unincorporated areas

North Highline Unincorporated Area: Michael Thomas, Senior Policy Analyst, presented information concerning a pending Study of the North Highline Unincorporated Area. Mr. Thomas stated that King County is most supportive of the transition of North Highline to a local jurisdiction – either through annexation or incorporation.

The North Highline Area is one of the ten large urban unincorporated areas in King County. This Area requires substantial funding for essential public services and infrastructure. No city has formally identified the North Highline Area for potential annexation, but Seattle and Burien have conducted preliminary studies to determine impacts of annexation of this Area

As an alternative to annexation, a North Highline citizens group (North Highline Area Council) would like to consider incorporation as a new city. Further, some North Highline citizens prefer to remain affiliated with unincorporated King County.

The King County Council is funding a study to evaluate options for future governance of the North Highline Area. A consultant has been selected to prepare the study – including community surveys and a formal investigation of benefits/costs incorporation of the North Highline Area either as a new city or by affiliation with Seattle or Burien.

The Study will focus primarily on the fiscal feasibility of incorporation of the North Highline Area. The Study will estimate operating and capital costs of establishing and maintaining a city. The Study will consider the levels of revenue available to support a city. The Study will also address methods to address budget gaps – if any – that are determined in the course of the conducting of the Study. Information about benefits/costs relating to continuing affiliation with King County would also be presented in this Study.

Mr. Thomas reported that the North Highline study is estimated to be completed in August 2005. Study findings will be provided to the North Highline Study Group and to the King County Council.

West Hill Survey: Mr. Thomas reported that the County is working with the residents of West Hill to establish plans for future local governance of this area. Although, for the near term, it appears that West Hill will remain unincorporated, the community does need to plan for transfer to an existing city or for incorporation.

At present, the West Hill Area is not included in the Potential Annexation Area for adjacent Renton, Seattle or Tukwila. However, officials from each of these cities have participated in discussions with West Hill citizens concerning future affiliation with a local jurisdiction.

The County – under the aegis of an independent consultant – is working with the West Hill community to determine citizen interest in various governance options including annexation, incorporation as an independent city and/or remaining – for the present – as an unincorporated area. Information will be utilized to then develop profiles of the benefits/costs of the various alternatives for local government.

Mr. Thomas stated that the West Hill Study findings and recommendations are due in June 2005. This information will be the basis for a West Hill Governance Options Report.

## **B. Public Hearing Requests**

### File No. 2186: City of Renton - Park Terrace Annexation

Mrs. Blauman reported that, at the Regular Meeting of the Boundary Review Board of March 2005, the Board reviewed a proposal by the City of Renton to annex 7.65 acres, known as the Park Terrace Annexation. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in December of 2004.

At that meeting, Board members raised no substantive questions concerning the application.

On March 23, 2005, the City of Renton invoked jurisdiction, seeking to expand the Park Terrace Annexation by the addition of approximately 80 acres.

At this time, pursuant to RCW 36.93.160, the Board is being requested to support the setting of a hearing date for the proposed Park Terrace and potential modification of the Park Terrace Annexation. The Board members are also invited to determine whether to schedule a tour of the site.

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The Boundary Review Board, by unanimous agreement, set a hearing date of May 23/24, 2005 to hear the City of Renton's request to modify the boundaries of the Park Terrace Annexation. The Board also scheduled a tour of the site.

### File No. 2191: City of Issaquah - Klahanie Annexation

The City of Issaquah proposes the annexation of 1242 acres, known as the Klahanie Area. The Klahanie Annexation Area includes the planned community of Klahanie, together with several neighboring suburban residential communities.

With the annexation application based upon the Resolution, the City of Issaquah has invoked jurisdiction at the Boundary Review Board. The City is seeking a public hearing in order to provide an opportunity for Klahanie citizens to come together to comment upon the proposed annexation. Further, the City of Issaquah Resolution calls for an annexation election to permit the citizens of the Klahanie Area to ultimately decide whether or not to join the City of Issaquah.

At this time, pursuant to RCW 36.93.160, the Board is being requested to support the setting of a hearing date for the proposed Klahanie Annexation and to determine whether a tour of the site shall be scheduled.

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The Boundary Review Board, by unanimous agreement, set a public hearing for the Klahanie Annexation. The hearing shall take place on June 1-2, 2005. Board members were in general agreement that, as the Klahanie Annexation Area is clearly demarcated and as no expansion of the Annexation Area is proposed, that a tour of the site would likely be unnecessary.

File No. 2192: City of Issaquah – Greenwood Point/South Cove Annexation

The City of Issaquah proposes the annexation of 403 acres, known as the Greenwood Point/South Cove Area. The Greenwood Point/South Cove Annexation Area includes the communities of Greenwood Point and South Cove, together with several neighboring suburban residential communities.

With the annexation application based upon the Resolution, the City of Issaquah has invoked jurisdiction at the Boundary Review Board. The City is seeking a public hearing in order to provide an opportunity for Greenwood Point/South Cove citizens to come together to comment upon the proposed annexation. Further, the City of Issaquah Resolution calls for an annexation election to permit the citizens of the Greenwood Point/South Cove Area to ultimately decide whether or not to join the City of Issaquah.

At this time, pursuant to RCW 36.93.160 the Board is being requested to support the setting of a hearing date for the proposed Greenwood Point/South Cove Annexation and to determine whether to schedule a tour of the site

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The Boundary Review Board, by unanimous agreement, set a public hearing for the Greenwood Point/South Cove Annexation. The hearing shall take place on June 7-8, 2005. Board members were in general agreement that, as the Greenwood Point/South Cove Annexation Area is clearly demarcated and as no expansion of the Annexation Area is proposed, that a tour of the site would likely be unnecessary.

## **VI. ORIENTATION PROGRAM**

Robert Kaufman, Special Assistant Attorney General to the Boundary Review Board provided an orientation to the Boundary Review Board rules and regulations.

Mr. Kaufman stated that RCW 36.93 is the Boundary Review Board Enabling Act. RW 36.93 sets the authorities, structure and function of the Boundary Review Board. More specifically:

- The Boundary Review Board is established as the agency empowered “to provide independent review of the creation and growth of municipalities in metropolitan areas so that ...residents and businesses ...may rely on the logical development of local government.”

Pursuant to RCW 36.93, the Board evaluates each proposal (Notice of Intention) by a city in King County for annexation, incorporation, merger, assumption, deannexation, disincorporation, and other, similar actions. The Board also reviews proposals from special purpose districts for changes to jurisdictional boundaries.

Mr. Kaufman reported that the Growth Management Act and the King County Comprehensive Plan/Countywide Policies further guide the Boundary Review Board.

In addition, Mr. Kaufman stated that the Boundary Review Board has adopted Rules of Organization and Procedure which establish the administration of the Board and which also direct the Board in the fulfillment of duties and responsibilities relating to evaluation of Notices of Intention.

Mr. Kaufman stated that the Board evaluates the great majority of Notices of Intention through an administrative review process. This process is utilized for proposed actions which are straightforward and which do not generate controversy in the affected communities.

Under RCW 36.93, a Notice of Intention which is controversial can be challenged (jurisdiction invoked) by a government unit and/or by registered voters. Where jurisdiction is invoked, the Boundary Review Board provides a more structured and extensive review process and renders a formal decision to accept, modify or deny an action. The review and decision-making process occurs in a public hearing.

Standards for such public hearings are established by RCW 36.93, by the Open Public Meetings Act (RCW 42.36), and by Boundary Review Board Organization Rules and Procedures.

Mr. Kaufman provided guidance with respect to the public hearing process and protocols. More specifically:

- A public hearing before the Boundary Review Board is a quasi-judicial review – that is the Board functions collectively like a judge in the hearing of a Notice of Intention for the creation of or changes to municipal and special purpose jurisdictional boundaries.

As a quasi-judicial body, the Board is empowered to hear testimony from the applicant, the challenger, technical experts, and the public (e.g., community members and other citizen stakeholders.) The Board is then empowered to make a decision to approve, modify, or deny a Notice of Intention in accord with various state, regional, and local authorities.

- The public hearing is intended to be a transparent process. Thus, in all matters before the Board, the law prohibits ex parte communication. Ex parte communication includes any discussions and/or written communication (e.g. correspondence, e-mails) between Board members and the public about the matter before the Board.

Board members should take particular care to avoid contacts which may be construed as ex parte communication. If such communication has occurred, the member must so declare at the Special Meeting, prior to the Opening of the Public Hearing.

- In all matters before the Board at a Special Meeting, the Board members will be requested, prior to the Opening of the Public Hearing, to indicate any/all interests, such as a personal interest or professional involvement, which might affect the ability (or the perception of ability) to fairly hear the proposal.

The law does not require a Board member with a real (or perceived) conflict of interest to recuse himself/herself from hearing the matter before the Board. However, a Board member who believes that she/he has a potential conflict of interest is advised to confer with Mr. Kaufman prior to the public hearing concerning a decision to remain (or be recused from) the matter at hearing.

- The hearing process is prescribed as follows:
  - The proponent begins the testimony and is permitted a specific time for his/her presentation.
  - Opponent representatives will have a similar opportunity to provide testimony
  - Following that testimony, the Board will take public testimony from community groups and individuals. Each community group will have a total of 10 minutes for presentation; individuals representing themselves will each have 3 minutes to testify.
  - Following all testimony, the applicant may provide a rebuttal of up to 10 minutes.

- Following the rebuttal, the Board may ask for more information or the Board may close the hearing and begin the process of deliberating to reach a decision on the Notice of Intention.

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Mr. Kaufman stated that both the law and policy mandate formal decorum during a public hearing. As such:

- The Chair directs the agenda and participation of the various parties in the hearing process.
- The Chair calls citizens and government officials are called to the podium to speak. Testimony and the introduction of general questions is permitted, however, speakers may not directly question government officials or other citizens.
- Only the Board members may ask questions of government officials and citizens. In order to maintain a respectful and orderly hearing, Board members should seek recognition from the Chair prior to requesting information or engaging in dialogue or questioning.
- Board members are welcome to present ideas and/or questions in the course of the hearing. Board members may be invited to speak for the record, but should not be required to do so. All testimony should be for the record; there should be no conversations between individual members.
- During the hearing, the Board may refer any questions of law or procedure to Mr. Kaufman, Special Assistant Attorney General of the State of Washington for the Board.

Questions relating to substantive matters should not be raised in public hearing because those matters may be the subject of legal actions. Thus, such matters should be confined to an Executive Session. However, as a public hearing is intended to be an open forum, the Board should be most judicious about requesting an Executive Sessions during the course of a public hearing.

- Once the hearing is closed, however, there is no further opportunity for Board members to ask questions of or obtain information from government officials, technical experts, citizens, or other persons.
- When the public hearing is completed, the Board must deliberate on the full record (e.g., written materials, testimony, maps, and exhibits.) The Boundary Review Board is required by statute to assess the record and then come to a preliminary decision on the Notice of Intention based on several regulations and guidelines. The decision of the Board shall not be based upon the popularity (or lack of popularity) of a particular Notice of Intention among the members of the community or affected government agencies.

Specifically, the Board must consider RCW 36.93, particularly Sections 170 (Factors) and 180 (Objectives). The Board decision must also be consistent with the State Growth Management Act (RCW 36.70A). Other state statutes that guide the Boundary Review Board include RCW 35.02; RCW 35.14A, RCW 35.14A, RCW 35.13. Further, the King

County Comprehensive Plan/Countywide Planning Policies guide the Boundary Review Board. The Board also must address community plans and public service/facility plans for local jurisdictions pursuant to consideration of proposals for creation of or changes to municipal boundaries.

- Following the direction provided by the preliminary decision, staff will prepare a Resolution and Hearing Decision Report. The Report will be transmitted to the Board. The Board will then come to a final decision based upon the Resolution and Hearing Report.
- There is a 30 day appeal period for Boundary Review Board decisions. Decisions are appealed to Superior Court.



## **VII. ADMINISTRATION**

### **A. CHAIR'S REPORT**

#### General Business

Chair Tessandore and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at the Legislature's 2005 Interim Session; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; (5) preliminary budget planning for 2006; and (6) revisions to the Board Organization Rules to achieve compliance with new state and regional regulations. Committee members and staff will report periodically on these activities.

### **B. COMMITTEE REPORTS**

Chair Tessandore presented proposed Committee assignments for 2005. Under this plan, Angela Brooks would serve on the Legislative Committee and the Personnel Committee. Robert Cook would serve on the Nominating Committee and the Budget Committee. Lynn Guttman would serve on the Budget Committee and the Steering Committee. Committee meeting schedules will be confirmed in the near future.

#### Budget Committee:

Lenora Blauman, speaking on behalf of the Budget Committee, reported on the Year 2005/2006 Budget. She stated that the King County Office of Management and Budget has made several new appointments. Bob Cowan has been appointed Director of the Budget replacing Steve Call. Mr. Call retired in March, 2005. Mr. Cowan is reportedly a seasoned member of the King County budget team.

Similarly, the Office of the Budget has employed a new Budget Analyst, Gregory Shiring, who will be liaison to the Boundary Review Board.

Further, the King County Council has appointed Monica Clarke to replace Lauren Smith as County Council liaison to the Boundary Review Board. Lauren Smith has been promoted to serve as liaison to the Council Committee of the Whole.

Board staff has met with Ms. Clarke and with Mr. Shiring to introduce the Boundary Review Board. A meeting will be arranged with Mr. Cowan.

These meetings have the purpose of establishing an information foundation concerning the Board's function and structure. Further, these meetings offer an opportunity to begin to define upcoming opportunities and challenges for budgeting for 2005 and for 2006.

Year 2006 Budget Proposal Instructions will likely be issued in May, 2005. Proposals will be due in July 2006.

#### Legislative Committee:

Lenora Blauman, reporting on behalf of the Legislative Committee, stated that the Legislature is in the process of completing action for bills under consideration for 2005.

The proposed bills that directly addressed the role of the boundary review boards (i.e. HB 1285, HB 1417, HB 1932) will apparently not become law during Legislature 2005.

Some bills – directly related to annexations by cities and/or special purpose districts indirectly related to the role and responsibilities of the boundary review board (i.e., SB 5589, ESSB 5907) have been removed from consideration for 2005.

Some other corollary bills may remain under consideration by the Legislature. These bills include:

[SB 5334](#) authorizes a surtax to be imposed by annexing cities (with voter approval) for a transition period of up to 10 years. It is based upon the CTED Annexation Study recommendations. The bill was originally formulated by and for the City of Kirkland, but has been modified to permit application to other communities.

[SB 5268](#) provides for assumption by ordinance of small special-purpose districts (i.e., those serving fewer than 250 customers) by cities with populations of more than 100,000 people. The bill is targeted specifically to a plan by the City of Bellevue to provide water service to Yarrow Point – to replace a failing service that is now under the aegis of King County. It is not certain whether the bill would modify Boundary Review Board principles or procedures.

[SB 5371](#) deals with systems and procedures relating to a utility district acquisition of facilities from a city. It would not appear to have widespread effect in general. The bill does not modify Boundary Review Board principles or procedures.

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The State Association is continuing to actively monitor annexation-related bills proposed to the Legislature. The Legislature will conclude the 2005 Session in May of 2005

Members are encouraged to also frequently review all of the bills to obtain the most current information on all bills. [The bills that the State Association is tracking can be found on the web page \(http://www.wsbrb.org/BRB%20Leg\\_tracking.htm\).](http://www.wsbrb.org/BRB%20Leg_tracking.htm)

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Mrs. Blauman also reported that the House Local Government Committee is planning a 2005 Interim Session Plan. The Plan will include a study of growth management issues, best available science, buildable lands, development standards, tax programs; water-sewer district rights and responsibilities; and fire district rights and responsibilities. Attention will also reportedly directed to municipal annexations and special purpose district annexations.

Geoff Simpson (Local Government Committee Chair) will provide a formal document to confirm the 2005 Interim Plan.

### **C. Executive Secretary's Report**

File No. 2168 Redmond Rose Hill:

Briefings are due to Superior Court on April 18, 2005 in the matter of File No. 2168 City of Redmond (NE Rose Hill). Additionally, Mr. Kaufman must be present at a scheduled hearing before King County Superior Court on June 6, 2005.

Maplewood Addition (Pending Annexation Application): Maplewood Addition citizens, currently proposed to be included in the Fairwood Incorporation, have petitioned the City of Renton for annexation. The City of Renton has approved the annexation petition.

The City reportedly intends to submit a Notice of Intention for Annexation in the very near future in order to comply with the provisions of RCW 36.93.116 and RCW 35.02.155. These regulations state that the Board may simultaneously consider a proposed annexation (Maplewood Addition) and incorporation (Fairwood) under specific circumstances. To wit: simultaneous review is permitted if the Notice of Intention for Annexation is filed with the Board within 90 days of the filing of the petitions for incorporation. As the incorporation petitions were filed with the County on February 1, 2005, the Notice of Intention for the Annexation would need to be filed on May 3, 2005.

The City will reportedly also request that the Board simultaneously consider the proposals for the Maplewood Addition Annexation and the Fairwood Incorporation to address the interest of the citizens in understanding the benefits and costs of various governance options – including incorporation, annexation, and remaining in unincorporated King County.

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The Boundary Review Board could consider a Notice of Intention for Annexation that is submitted following May 3, 2005. However, in this situation, the Board may be required to give priority consideration to a valid proposal for incorporation.

WSABRB Spring Workshop: WSABRB Chair Don Oehler, Susan Winchell and Kathy Mohebbi will be coordinating the Association's Spring Training Workshop (scheduled for May 18, 2005 in Ellensburg, Washington). The preliminary Association Program has been provided in the Boundary Review Board packets.

This Workshop will be valuable for new members as it will provide information about basic rules and responsibilities. For both new and more experienced Boundary Review Board members, the event will also provide interesting material relating to diverse contemporary activities – and legal challenges – underway throughout the State of Washington.

Reginald Holmes will be coordinating registration and ride-sharing for this event.

WSABRB Fall Conference: The Association's Fall Conference is scheduled for September 28 – 30 in Bellingham, Washington. The Conference will take place at the Lakeway Inn. The Conference theme will be "Growth Management." Sessions are being planned to address the present and future role of the boundary review boards. There will also be sessions addressing a variety of growth management issues, such as land development and moratoria; services provision (e.g., water resources and water rights); and environmental preservation (e.g., best available sciences). There will also be a session on Measure 37 – Oregon's new law that requires the government to compensate land owners for limitations placed on land uses. Ideas for other program topics, speakers, and activities are welcome.

Conference events are being planned by a committee including Don Oehler and Kathy Mohebbi (Whatcom County), Charles Booth and Lenora Blauman (King County), and Susan Winchell (Spokane County). The first planning meeting took place on March 9, 2005. The team will be meeting monthly to coordinate the event. Periodic status reports will be provided to the Boundary Review Board.

An initial invitation and program for the Fall Conference will be available in May, 2005.

American Planning Association National Conference: Mrs. Blauman expressed appreciation to the Board for supporting her attendance at the 2005 National American Planning Association Conference.

The Conference focused on the future of urban and rural communities. Mrs. Blauman reported that she has provided for the Board a listing of sessions which she attended in the course of the Conference. The conference proceedings will be issued on a compact disc – so that sessions will be available to all Board members. Board members are invited to contact Mrs. Blauman to obtain copies of the recording.

#### **D. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

## **V. NEW BUSINESS**

### **A. NOTICES OF INTENTION**

#### File No. 2188: Soos Creek Water and Sewer District (P-364-S)

The Soos Creek Water & Sewer District proposes to annex approximately 35.71 acres within the City of Maple Valley. The purpose of the annexation is to permit the Soos Creek Water & Sewer District to extend sanitary sewer service to the area to serve future permitted residential development. The proposed annexation area is addressed in the Soos Creek Water & Sewer District Plan.

The District initiated this annexation proposal based on a petition by property owners. The authority for annexation is derived from RCW 57.24.070 (Annexation of Territory).

The Board presented no substantive comments or questions concerning the application.

#### File No. 2189 City of Covington – South Covington Annexation

The City of Covington proposes the addition of approximately 167.69 acres, known as the South Covington Annexation. Covington City Council adopted the proposed South Covington Annexation (including Area 1, Area 2, and the Lakes at Winterwood) in January 2005, pursuant to RCW 35A.14.420, et seq. The City of Covington reports that the proposal for annexation is based upon an interest by property owners to be governed by the City of Covington, to develop properties under City of Covington regulations, and to receive public services (e.g., sewer services) from Covington.

The Board presented no substantive comments or questions concerning the application.

#### File No. 2190 Val Vue Sewer District 2004-3

The Val Vue Sewer District proposes to annex approximately 56 acres (128 parcels) of land. Existing residents in the Annexation Area are currently served by septic systems. Annexation is being proposed by the Val Vue District to facilitate the provision of coordinated sewer services to currently developed properties and to new development.

The Val Vue District Comprehensive Plan includes this Annexation Area. This Plan has been approved by King County and other affected governmental jurisdictions. As such, the District is approved to provide services to the Annexation Area.

The District initiated this annexation proposal pursuant to the provisions of RCW 57.24.210 (Annexation of Unincorporated Territory) which permits the District Board of Commissioners to resolve to annex territory that is less than 100 acres in size and has at least 80% of its boundaries contiguous to municipal corporations providing services with the provision that the other municipal corporations must concur with the proposed annexation. The proposed Annexation Area is contiguous to the boundary of the Southwest Suburban Sewer District. Southwest Suburban Sewer District has concurred with the proposed action to annex area to the Val Vue District. A Resolution for Annexation was approved by the District in December of 2004.

The Board presented no substantive comments or questions concerning the application.

#### File No. 2191 City of Issaquah (Klahanie Annexation)

The City of Issaquah proposes the annexation of 1242 acres, known as the Klahanie Area. The Klahanie Annexation Area includes the planned community of Klahanie, together with several neighboring suburban residential communities: Glenwood, Summer Meadows, Summer Pond, Rainbow Lake Ranch, Brookshire Estates, Brookshire Crest, Brookshire East, Autumn Glen, Hunters' Ridge and Livingston.

The Klahanie Area Annexation is proposed based upon a Resolution by the Issaquah City Council approving a plan to incorporate this territory via an Interlocal Agreement with King County. This Resolution was approved on February 7, 2005.

With the annexation application based upon the Resolution, the City of Issaquah has invoked jurisdiction at the Boundary Review Board. The City is seeking a public hearing in order to provide an opportunity for Klahanie citizens to come together to comment upon the proposed annexation. Further, the City of Issaquah Resolution calls for an annexation election to permit the citizens of the Klahanie Area to ultimately decide whether or not to join the City of Issaquah.

The Board presented no substantive comments or questions concerning the application.

File No. 2192: City of Issaquah – Greenwood Point/South Cove Annexation

The City of Issaquah proposes the annexation of 403 acres, known as the Greenwood Point/South Cove Area. The Greenwood Point/South Cove Annexation Area includes the communities of Greenwood Point Point and South Cove, together with several neighboring suburban residential communities: Meerwood, Lake West, Timberlake Lane, Lewis Creek, Meadowbrook Point, Sammamish Beach Club, Sammamish Bluffs, Sammamish View, Waterford Terrace, Weatherwood, and Lakemont Triangle.

The Greenwood Point/South Cove Area Annexation is based upon a Resolution by the Issaquah City Council approving a plan to incorporate this territory via an Interlocal Agreement with King County. This Resolution was approved on February 22, 2005.

With the annexation application based upon the Resolution, the City of Issaquah has invoked jurisdiction at the Boundary Review Board. The City is seeking a public hearing in order to provide an opportunity for Greenwood Point/South Cove citizens to come together to comment upon the proposed annexation. Further, the City of Issaquah Resolution calls for an annexation election to permit the citizens of the Greenwood Point/South Cove Area to ultimately decide whether or not to join the City of Issaquah.

The Board presented no substantive comments or questions concerning the application.

File No. 2193: City of Renton Wedgewood Lane

The City of Renton proposes the annexation of approximately 36 acres, known as the Wedgewood Lane Annexation. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in March of 2005.

The Board presented no substantive comments or questions concerning the application.

File No. 2194: Fairwood Incorporation Proposal

The Fairwood Task Force has proposed the formation of a new City of Fairwood. The City is proposed to be approximately 3000 acres with a population of approximately 26,000 residents.

The proposed City of Fairwood is located generally to the west of the King County Urban Growth Area/Rural Area Boundary; to the east of the City of Renton and to the north of the City of Kent. The preliminary proposal for the City of Fairwood includes area generally bordered on the north by Maple Valley Highway; generally bordered on the south variously by Petrovitsky Road/ SE 200th Street; generally bordered on the east variously by 161<sup>st</sup> Avenue SE and 180<sup>th</sup> Avenue SE (the Urban Growth Boundary); and generally bordered on the west by 128<sup>th</sup> Avenue SE and Soos Creek Park.

The Fairwood Area is addressed in the King County Comprehensive Plan and in Countywide Planning Policies. The King County Plan/Countywide Policies encourages the transition of unincorporated urban lands to local jurisdictions by either annexation or by incorporation.

Comments and questions concerning the proposed Fairwood Incorporation are recorded in Section V.A of this Report.

#### **B. PENDING FILES**

Auburn	Bellevue
Covington	Federal Way
Issaquah	Kirkland
Kent	Ronald Sewer District
Redmond	Renton (4 files)
Tukwila	Woodinville

#### **VII. ADJOURNMENT**

Action: A. J. Culver moved and Robert Cook seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 9:05 p.m.